IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 19519 of 2004
Date of Decision: Sept. 11,2006

Pardeep Kumar Narang and others ..... Petitioners

Versus

State of Haryana and another .... Respondents

Coram: Hon'ble Mr. Justice Ashutosh Mohunta
Hon'ble Mrs. Justice Nirmal Yadav

Present: Mr. S.C.Kapoor, Sr. Advocate with
Mr. Harminder Singh, Advocate
for the petitioners.

Mr. S.K.Bishnoi, DAG, Haryana.

...

ASHUTOSH MOHUNTA, J.

The challenge in the writ petition is to the notifications Annexures P-2 and P-6 issued under Sections 4 and 6 of the Land Acquisition Act (for short `the Act') by which the land of the petitioners along with the lands of other land-owners was acquired by the State for a public purpose, namely, `for development and use as residential and commercial Sector 2, Sonepat'.

The State of Haryana issued a notification under Section 4 of the Act intending to acquire 333.12 acres of land situated in villages Shadipur, Ahmadpur, Bandipur, Patti-musalmanan and Sultanpur in District Sonepat for a public purpose, namely, `for development and use as residential and commercial Sector 2, Sonepat'. The petitioner filed his objections under Section 5-A of the Act wherein it was averred that the petitioner has constructed a Shed and Saw Mill etc. on the land in dispute. It was further averred that Saw Mills belonging to other persons situated in Sectors 3 and 12 have already been exempted from acquisition by the Government and, therefore, the land of the petitioner be also released from acquisition. The objections filed by the petitioner were, however, dismissed and notification under Section 6 of the Act was issued on 18.10.2002.

Counsel for the petitioners has argued that lands belonging to other persons who were also running their Saw Mills have been released from acquisition and, therefore, a discriminatory treatment cannot be meted out to the petitioners. Learned counsel has further argued that the land has been acquired for commercial and residential purpose whereas the petitioners are also running an industry in the form of a Saw Mill and has also installed machinery therein and, hence, no purpose would be served in acquiring the land of the petitioners. It has further been averred that the petitioners have made huge investments to set up their industry and that the land of the petitioners is liable to be released from acquisition.

Reply has been filed by the Land Acquisition Officer, Urban Estates, Haryana, wherein it has been averred that the lands of various other persons which are alleged to have been released were in Sectors 3 and 12 in Sonepat whereas the petitioners' land is situated in Sector-2, Sonepat and, hence, the case of the petitioners is not at par with the lands of the persons which were situated in Sector 3 and 12. It has further been stated that the lands have been released in Sector 12 keeping in view the facts and circumstances of each case and that no land in village Patti-musalmanan in which the land of the petitioners falls has been released by the Government.

After hearing the counsel for the parties, we are of the considered opinion that the petitioners have not been discriminated against in any manner because the lands which have been released from acquisition were situated in Sectors 3 and 12, Sonepat whereas the land of the petitioners is situated in Sector-2, Sonepat and, therefore, the case of the petitioners is not at par with the other persons. Moreover, no land belonging to any person has been released in village Patti-musalmanan in which the land of the petitioners is situated.

In reply, it has further been submitted that an area of 24.84 acres in village Sultanpur was only released by the Government after considering the report of the Land Acquisition Collector as well as Joint Inspection Committee. The remaining land of all other villages including the land of the petitioners was acquired.

Apart from the above, the Hon'ble Supreme Court in ***Yadu Nandan Garg v. State of Rajasthan & Others*** 1997(1) LAC 451 S.C. has held that even if exemption from acquisition has been granted to some

persons, that would not be a ground to clothe others to get the same benefit and Article 14 of the Constitution cannot be pressed into service on the ground of individual discrimination.

In view of the above, there is no ground to quash the notifications issued under Sections 4 and 6 of the Act and, accordingly, the writ petition is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

11 .9.2006 **(NIRMAL YADAV)**
Rupi **JUDGE**